

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-00284-FDW

BRIAN K. LEWIS; )  
JAMIE R. SPAKE; )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NC DEPARTMENT OF )  
PUBLIC SAFETY/DIVISION )  
OF PRISONS, et al., )  
 )  
Defendants. )  
\_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on consideration of Plaintiffs' motion for extension of time, (Doc. No. 8), and Plaintiffs' motion for reconsideration. (Doc. No. 9).

Plaintiffs, who are prisoners of the State of North Carolina, move for an extension of time to comply with this Court's Order which required them to submit a new complaint which clarified that they were not intending to represent the interests of other prisoners in a civil rights action filed pursuant to 42 U.S.C. § 1983. The Court notes that Plaintiffs have filed an amended complaint, (Doc. No. 12), therefore the motion for extension of time is moot.

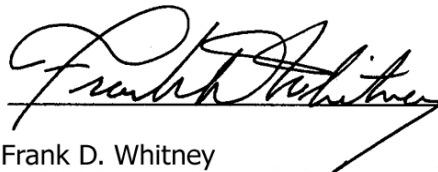
Plaintiffs also move for reconsideration of the Order dismissing their motion for appointment of counsel. There is no Constitutional right to the appointment of counsel in civil cases; however the Court may, in its discretion, appoint counsel in "exceptional cases." See Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975); 28 U.S.C. § 1915(e)(1) (providing for discretionary appointment of counsel in prisoner cases). The Court finds that Plaintiffs have not yet demonstrated the exceptional need for the appointment of counsel.

**IT IS, THEREFORE, ORDERED** that Plaintiffs' motion for extension of time is **DISMISSED as moot.** (Doc. No. 8).

**IT IS FURTHER ORDERED** that Plaintiffs' motion for appointment of counsel is **DENIED without prejudice.** (Doc. No. 9).

**SO ORDERED.**

Signed: July 21, 2016

  
Frank D. Whitney  
Chief United States District Judge

